

[\*Thompson v. The Detroit Edison Co.\*](#), 87-ERA-2 (Sec'y July 9, 1990)

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U.S. DEPARTMENT OF LABOR  
SECRETARY OF LABOR  
WASHINGTON, D.C.

DATE: July 9, 1990  
CASE NO. 87-ERA-2

IN THE MATTER OF

SAMUEL L. THOMPSON,  
COMPLAINANT,

v.

THE DETROIT EDISON COMPANY,  
RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

ORDER APPROVING SETTLEMENT  
AND DISMISSING CASE

This case arises under the employee protection provision of the Energy Reorganization Act of 1974, as amended (ERA), 42 U.S.C. § 5851 (1982), and is before me for review of a Settlement Agreement entered into by the parties.

On April 26, 1990, I issued an Order to Show Cause. As I explained in that order:

Paragraph 8 of the Settlement requires Complainant not to "participate in, aid, encourage, support or assist in any other claims which may be brought against (Respondent)." Paragraph 12 of the Settlement requires Complainant not to "disclose, except as required by law, any complaints or claims ever made about his employment at (Respondent)."

Paragraphs 8 and 12 of the Settlement here would restrict Complainant from providing information to the Nuclear Regulatory Commission (NRC) or any other agency. Such information could be relevant and material to law enforcement investigations by the NRC or other agencies, including investigations by the Department of Labor under the ERA or other laws. Paragraphs 8 and 12 also would prohibit Complainant from voluntarily testifying, taking part in, or

assisting in any law enforcement proceeding involving an alleged violation by Respondent of the ERA.

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Slip op. at 2.

Accordingly, I found paragraphs 8 and 12 of the parties' Settlement Agreement (Settlement) void as against public policy to the extent that those paragraphs would restrict Complainant from communicating to federal or state enforcement authorities concerning alleged violations of the ERA or other laws. The order to Show Cause gave the parties 30 days to show cause why paragraphs 8 and 12 should not be severed and the remainder of the Settlement Agreement approved and this case dismissed with prejudice.

No response to the Order to Show Cause has been received from either party. Accordingly, paragraphs 8 and 12 of the Settlement are severed to the extent that they would restrict Complainant from communicating to federal or state enforcement authorities concerning alleged violations of the ERA or other laws. I find the remainder of the Settlement to be fair, adequate and reasonable and it is approved as provided in the Order to Show Cause. This case is dismissed with prejudice. Settlement Agreement, paragraph 1.

SO ORDERED.

ELIZABETH DOLE  
Secretary of Labor

Washington, D.C.